



Nye County Water District

2101 E. Calvada Blvd. Ste., 100 - Pahrump, Nevada 89048
(775) 727-3487

May 28, 2024

Mason Voehl
Executive Director of the Amargosa Conservancy
PO Box 63
Shoshone, CA 92384

SUBJECT: Ash Meadows mineral withdrawal boundary map

The Nye County Water District formally submits the following letter of support, endorsing the Amargosa Conservancy and its partners' proposed Ash Meadows mineral withdrawal boundary map as an appropriate area to be analyzed as part of an Administrative Mineral Withdrawal process to be initiated and executed by the Department of the Interior.

The Nye County Water District (NCWD) was formed to develop sustainable sources of water vital to long-term economic development, protection of the environment, and the well-being of the residents of Nye County. The NCWD service area includes all real property within the boundaries of Nye County, Nevada. One critical function of the district is to evaluate and mitigate the environmental impacts associated with resource use.

Ash Meadows National Wildlife Refuge (the Refuge) is located within NV hydrographic Basin #230 in the southwestern portion of Nye County's First District, adjacent to the California/Nevada state line and to Death Valley National Park. The Refuge, established under the protection of the U.S. Fish & Wildlife Service in 1984, provides wetland habitat for more than 26 endemic species of plants, fish, amphibians, and other wildlife in the heart of the Amargosa Desert, a region known for extreme aridity and high desert temperatures. Within the Refuge is the Devils Hole: a disjunct portion of Death Valley National Park that provides habitat for the endangered Devils Hole pupfish. The Refuge and Devils Hole exist only due to the flow of both deep and shallow groundwater, originating from numerous upgradient basins and drainages within and beyond Nye County.

Several recent proposals to conduct exploratory drilling operations near the Refuge indicate growing interest in mining and other extractive activities in this portion of Nye County. Of greatest concern are both the acute impacts of drilling, open-pit excavation, and dewatering practices near the Refuge and Amargosa Valley, as well as the cumulative impact to groundwater resources resulting from large-scale development on public lands in this sensitive region. Disruption of hydrological flows into the Refuge risks significant imperilment of numerous sensitive and listed species protected by both the state of Nevada and the federal government. Additionally, mining activities in close proximity to the township of Amargosa Valley risk negatively impacting domestic and commercial water rights holders who depend on these groundwater resources for their survival and economic opportunities.

These concerns have culminated in a desire put forth by a diverse coalition of local governments, Tribes, and nonprofit partners living and working in the Amargosa region for the managing agencies to withdraw a defined area of public lands surrounding the Refuge from new mineral entry in an effort to enhance protections for critical groundwater resources. The need for this action has been formally supported in recent months by the Timbisha Shoshone Tribe, the Nye County Board of County Commissioners, Amargosa Valley Town Board, Beatty Town Advisory Board, and numerous other entities. This action, executed through the authority of the Administration, would achieve a temporary withdrawal of public lands for up to 20 years from new mineral entry in a defined area, with valid pre-existing mineral rights and operations retained.

To inform a mineral withdrawal boundary area, The Nature Conservancy Nevada Chapter has commissioned a hydrological analysis of Basin #230, which indicates significant potential for impacts to the Refuge and these communities resulting from mining activities on surrounding public lands managed by the Bureau of Land Management [see appendix X]. Through use of the U.S.G.S. Death Valley Regional Numerical Flow Model (DV3) – a flow model adopted by the Nevada State Engineer under Order 1330 for management of groundwater pumping applications in Basin #230 – researchers were able to approximate the scale and scope of impacts that could occur if proposed drilling and mining activities requiring dewatering as part of their operations were to be permitted near the Refuge.

The preliminary results of this study indicate significant, far-ranging, and conceivably catastrophic impacts to groundwater-dependent resources in the region resulting from dewatering activities required by mining projects, with springs and wetlands within the Refuge suffering groundwater declines of between 2 and 30 feet in some scenarios. Due to high hydrological connectivity and transmissivity in this area, the DV3 model illustrates potential groundwater declines across tens of square miles, which could have significant impacts on water rights holders in Basin #230. A detailed memorandum describing preliminary results of that study are available for review in Appendix [X.]

In addition to this newly developed science, the proposed mineral withdrawal boundary area incorporates a long-established understanding of the need to protect a significant portion of Basin #230 in order to safeguard groundwater resources depended upon by the Refuge. In 1972, The United States Department of the Interior, Fish & Wildlife Service, Bureau of Sport Fisheries and Wildlife Division of Realty published a Reconnaissance Appraisal Report of a “Proposed Desert Pupfish Reserve” in Nye County, Nevada and Inyo County, California, which would in 1984 be designated as Ash Meadows National Wildlife Refuge. [see Appendix X.] In this report, it was stated that three unique desert pupfishes had become extinct and more could be lost if their habitats were not saved and protected. In this same report, the acquisition of roughly 168,000 acres by purchase, withdrawal or transfer was proposed. The recommended area would include principal habitats and enough of the underground basin to give some assurance the springs would continue.

We believe that the total withdrawal area proposed by Amargosa Conservancy and formally supported by the Timbisha Shoshone Tribe, the Amargosa Valley Town Board, Beatty Town Advisory Board, and numerous nonprofit partners is in keeping with the 1972 recommendation to protect this natural resource and underground basin, and it should be adopted. This action is in keeping with the mission of NCWD, and is necessary to secure adequate safeguards for the groundwater relied upon both by the Refuge and by the local communities of Amargosa Valley, Crystal, and Johnnie in Nevada, and by multiple downstream communities in California.

We urge the Secretary of the Interior to direct the relevant managing agencies to urgently initiate an Administrative mineral withdrawal procedure, and to work with Congress and the constituents of Nye County and the Death Valley/Amargosa region toward needed additional measures to ensure groundwater resources relied upon by ecosystems and economies are sustainably managed. The Nye County Water District looks forward to providing input when possible and appropriate in support of this needed action.

Nye County Water District Governing Board of May 28th 2024

Helene Williams - Voted Yea

Charles "Heath" Miller - Voted Yea

Edwin Goedhart - Voted Yea

Bruce Holden - Voted Yea

Ernie Jackson - Made a motion to approve - Voted Yea

Michael Lach - Offered Second to the motion - Voted Yea

Daniel C Weeks General Manager Nye County Water District Governing Board.
The members of the Nye County Water District Governing board did vote unanimously 6-0 on 5/28/2024 to support this effort and this letter.

Dcweeks